

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

AUGUSTA DIVISION

2021 MAR 31 P 2: 21

DARON LORENZO HALL,

Petitioner,

V.

UNITED STATES OF AMERICA,

Respondent.

CLERK   
SO. DIST. OF GA.

CV 120-093

(Formerly CR 118-055 & CR 119-001)

## ORDER

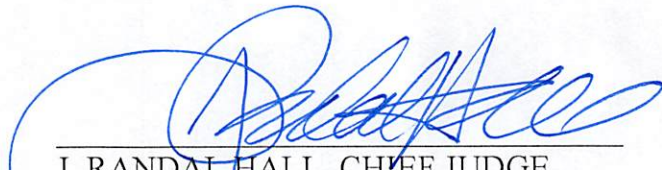
After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion. Therefore, the Court **DENIES AS MOOT** Respondent's motion to dismiss, (doc. no. 11), **GRANTS** Petitioner's § 2255 motion as to the out-of-time appeal, and **DISMISSES** without prejudice all other claims raised in the § 2255 motion. The Court **VACATES** Petitioner's judgment in the underlying criminal cases. CR 118-055, doc. no. 50; CR 119-001, doc. no. 18. Simultaneous with the entry of this Order, the Court is entering a new Judgment in a Criminal Case that reimposes the same sentence, identical in all respects to the original Judgment, save only for the date of entry.

The Court **HEREBY ADVISES** Petitioner that with the entry of the new Judgment, he shall have all the rights associated with an appeal from any criminal sentence. The Court also specifically advises Petitioner that the entry of the new Judgment creates a fourteen-day

period within which Petitioner may prosecute a direct appeal of his criminal convictions. Thus, Petitioner shall have fourteen days from the date of entry of the Judgment to file a notice of appeal. Attorney Jesse W. Owen has been appointed to represent Petitioner on direct appeal. See CR 118-055, doc. no. 81; CR 119-001, doc. no. 45. The Court now terminates the appointment of Mr. Owen with respect to the § 2255 proceedings and directs him to submit his voucher for those services within ten days of the date of this Order.

Finally, the Court **DIRECTS** the Clerk to **CLOSE** this civil action and **ENTER** an appropriate final judgment in this civil case in favor of Petitioner.

SO ORDERED this 31<sup>st</sup> day of March, 2021, at Augusta, Georgia.



J. RANDAL HALL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA